

AO 440 (Rev. 10/93) Summons in a Civil Action

RETURN OF SERVICE

SERVICE OF: **SUMMONS, COMPLAINT, CIS, EXHIBITS**
 EFFECTED (1) BY ME: **OUT OF STATE**
 TITLE: **PROCESS SERVER**

DATE: **2/29/08**

CHECK ONE BOX BELOW TO INDICATE APPROPRIATE METHOD OF SERVICE:

[] Served personally upon the defendant:

CARI MASI A/K/A CARY MASI

Place where served:

5101 NW Hwy 225 A OCAZA FL 34487

Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:

Sylvia DeenRelationship to defendant: FARM MANAGER

Description of person accepting service:

SEX: AGE: 40 HEIGHT: 55 58 WEIGHT: 145 SKIN: W HAIR: B/k OTHER: _____

[X] To the best of my knowledge, said person was not engaged in the U.S. Military at the time of service

STATEMENT OF SERVER

TRAVEL \$ _____

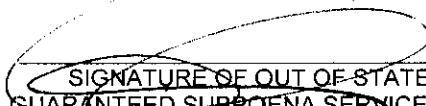
SERVICES \$ 25

TOTAL \$ _____

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in this Return of Service and Statement of Server is true and correct.

DATE: 2/29/08


 SIGNATURE OF OUT OF STATE
 GUARANTEED SUBPOENA SERVICE, INC.
 2009 MORRIS AVENUE
 UNION, NJ 07083

L.S.

ATTORNEY: ALAN S. FELLHEIMER
 PLAINTIFF: AXION POWER INTERNATIONAL, INC.
 DEFENDANT: MERCATUS & PARTNERS, LTD.
 VENUE: DISTRICT
 DOCKET: 07 CV 11493

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

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